

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (Philadelphia)**

<b>IN RE:</b>	:	
<b>SHERMAN ENG</b>	:	<b>BK. No. 16-16923 AMC</b>
	:	
<b>Debtors</b>	:	<b>Chapter No. 13</b>
	:	
<b>WELLS FARGO BANK, N.A.</b>	:	
<b>Movant</b>	:	
<b>v.</b>	:	
<b>SHERMAN ENG</b>	:	<b>11 U.S.C. §362 &amp; §1301</b>
<b>BONNIE NGO (Non-Filing Co-Mortgagor)</b>	:	
<b>Respondents</b>	:	

**MOTION OF WELLS FARGO BANK, N.A. FOR RELIEF FROM AUTOMATIC STAY  
UNDER §362 PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtors SHERMAN ENG AND BONNIE NGO.

1. Movant is **WELLS FARGO BANK, N.A..**

2. Debtors, SHERMAN ENG AND Non-Filing Co-Mortgagor BONNIE NGO are the owners of the premises located at **345 CONSTITUTION CIRCLE, NORTH BRUNSWICK, NJ 08902 NKA 345 CONSTITUTION CIRCLE, NORTH BRUNSWICK, NJ 08902-3542**, hereinafter known as the mortgaged premises.

3. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust

4. Movant is the holder of a mortgage on the mortgaged premises.

5. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.

6. Movant wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.

7. The foreclosure proceedings to be instituted were stayed by the filing of the instant Chapter 13 Petition.

8. As of March 7, 2018, Debtor has failed to tender post-petition mortgage payments for the months of December 2017 through March 2018. The monthly payment amount for the months of December 2017 through March 2018 is \$1,485.16, less suspense in the amount of \$69.78, for a total amount due of \$5,870.86. The next payment is due on or before April 1, 2018 in the amount of \$1,485.16. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

9. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

10. Movant additionally seeks relief from the Co-Mortgagor stay under 11 U.S.C §1301 (c) as the Co-Mortgagor stay causes irreparable harm to Movant. Movant may be barred from moving forward with its State Court rights without relief from the Co-Mortgagor stay

11. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

12. Movant requests that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay under Section 362 with respect to **345 CONSTITUTION CIRCLE, NORTH BRUNSWICK, NJ 08902 NKA 345 CONSTITUTION CIRCLE, NORTH BRUNSWICK, NJ 08902-3542** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. That relief from any Co-Debtor stay under 11.U.S.C §1301(c) is hereby granted; and

c. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

c. Waiving Federal Rule of Bankruptcy Procedure 3002.1; and

d. Granting any other relief that this Court deems equitable and just.

/s/ Jodi L. Hause, Esquire  
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